

## **Croatia Country Report on Human Rights Practices for 1998**

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The Republic of Croatia is in principle a constitutional parliamentary democracy, with a powerful presidency. The ruling Croatian Democratic Union (HDZ) has maintained power since independence in 1991, using its majority position to deny opposition parties the ability to compete on fair and equal terms in elections. President Franjo Tudjman was reelected in June 1997 for a second 5-year term in an election that observers considered "fundamentally flawed." The President serves as the head of state and commander of the armed forces, chairs the influential National Defense and Security Council, appoints the Prime Minister who leads the Government, and approves certain appointments in local and regional government. The extensive constitutional powers of the presidency, the overwhelming dominance of the HDZ, its absolute control of television, the continuing concentration of power within the one-party central Government, and government influence that circumscribes and weakens the judiciary combine to make the country's nominally democratic system in reality authoritarian.

The Ministry of Interior oversees the police, and the Ministry of Defense oversees the military. Civilian police have no authority over the military police or over uniformed military personnel. The national police have primary responsibility for internal security but, in times of disorder, the government may call on the army to provide security. The civilian authorities generally maintain effective control of the professional security forces, although the police sometimes committed human rights abuses.

The transition to a market-based, free enterprise economy is proceeding slowly. While agriculture is mostly in private hands and family-owned small enterprises are multiplying, industry and media enterprises are largely either still controlled by the state or deliberately were transferred in nontransparent, noncompetitive processes to individuals sympathetic to the ruling party. Unemployment remained high at 16 percent and higher in the areas affected by the war, and the standard of living for most of the population has yet to recover to prewar levels. The economy showed underlying weakness throughout the year, especially in the financial sector. Several banks collapsed and illiquidity worsened considerably, squeezing hundreds of thousands of depositors, employees, and small entrepreneurs.

The Government's human rights record remained poor: although improvement was measurable in certain areas, serious problems continued in others. Police committed one extrajudicial killing and occasionally beat persons. The Government does not always respect due process provisions for arrest and detention. Lengthy pretrial detention is a problem. The judicial system is subject to executive and political influence, and the court system suffers from such a severe backlog of cases and shortage of judges that the right of citizens to address their concerns in court is seriously impaired. Cases of interest to the ruling party are processed expeditiously, while others languish in court, further calling into question the independence of the judiciary. The courts sometimes deny citizens fair trials. The Government at times infringed on citizens' privacy rights.

The Government restricted press freedom, using the courts and administrative bodies selectively to shut down or restrain newspapers, radio, and television stations critical of the Government or simply outside of its control. The functioning of the Telecommunications Council, which is dominated by the HDZ, is opaque, and the Council arbitrarily denies operating licenses to applicants not favored by the ruling party. Government intimidation induced self-censorship by journalists; some 900 criminal and civil cases against journalists are ongoing. There were incidents of overt censorship of the electronic media. The Government restricted freedom of assembly, and circumscribed freedom of association by a law that prohibited groups from forming or meeting unless expressly authorized to do so by means of an intrusive registration process. The Government seriously limited citizens' right to change their government peacefully. It used the manipulation of laws, harassment, economic pressure, and its almost total control of the electronic media to control the political process. The Government's record of cooperation with international human rights and monitoring organizations was mixed, and it remained uncooperative in the search by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for evidence on alleged crimes committed during the Croatian military operations "Flash" and "Storm" in 1995. Cases of abuse from the 1995 military actions, including the alleged murders of hundreds of civilians by government forces, remain largely unsolved.

In a positive development, the Government enacted in May procedures by which refugee citizens previously barred from returning to Croatia--mostly ethnic Serbs--might exercise that right. The pace of implementation, while initially slow, increased markedly in September. In June the Government adopted a program to facilitate the return of homeowners to their property upon their return to Croatia, although implementation of the program was uneven and marred by bureaucratic confusion.

Violence and discrimination against women remained problems. The Government discriminates against Muslims. Ethnic minorities, including Roma, also faced continued discrimination. Government commitments to foster reconciliation among ethnic groups and overcome the war's strong legacy of animosity have not been met completely. Although the Government made progress in establishing civil authority in the former occupied areas, and physical violence declined overall, some abuses, such as harassment, threats, and in some instances, even beatings still occurred, particularly in the areas of the former conflict. Police performance improved overall, but in a significant number of cases when the victim was an ethnic Serb, the police either did not investigate thoroughly or failed to take effective action against the criminal activity.

With the end of the mandate for the United Nations Transitional Administration for Eastern Slavonia (UNTAES) on January 15, the Government regained full authority over the Danubian region. The Government's record on the continued peaceful reintegration of the region was mixed. While no large-scale violence or mass departure of Serb inhabitants occurred, there was a steady exodus of thousands of Croatia's Serb citizens throughout the year. A lack of economic opportunity certainly was a factor, but international observers pointed to the Government's failure to actively fulfill the commitments it undertook to reassure and reintegrate the population. Housing and employment regulations were administered in a manner biased against ethnic Serbs; incidents of intimidation and harassment increased, and the administration of justice was biased in favor of ethnic Croats. Some violent incidents were

reported, generally connected with disputes over housing. While some of the region's remaining inhabitants were able to return to their homes in the rest of Croatia, the Government took little effective action to resolve the cases of those whose homes were damaged or occupied, which it had committed to solve in 1997.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### ***a. Political and Other Extrajudicial Killing***

There were no reports of political killings by government officials. However, police in Sibenik beat an Italian tourist to death in an extrajudicial killing in September. The Government initiated an investigation, which remained ongoing at year's end, and the officers involved were removed from the force.

Isolated reports continued of ethnically motivated killings in the formerly occupied areas, which, although small in number, discourage individuals of all ethnicities from returning to areas where they would be a minority.

Of the many major crimes committed by both sides during the conflict, the Government has been much more vigorous in the prosecution of those committed by ethnic Serbs during the occupation than those committed by ethnic Croats at or near the time of Croatia's military operations in the summer of 1995. Other than the proceedings underway against nine Croatian military and paramilitary members involved in the murders in Pakracka Poljana in 1991, no progress was made in some of the most well-known cases, such as the Grubori murders. In an August report by Amnesty International, prosecutors responsible for the Grubori case claimed to have no knowledge of any investigation or proceedings underway. This directly contradicts the Government's assertions that these cases were receiving urgent attention and were a high priority.

In June Slavko Dokmanovic, the former Serb mayor of Vukovar, committed suicide in his cell in a United Nations (U.N.) detention facility in the Netherlands. He was awaiting trial before the ICTY on charges of committing war crimes and crimes against humanity, including the massacre of over 200 unarmed men outside Vukovar Hospital in 1991.

In June the remains of 938 persons were exhumed from a mass grave in Vukovar (see Section 1.b.).

In December the Government indicted Dinko Sakic, commander of Croatia's Jasenovac concentration camp in 1944, for crimes against humanity in the deaths of more than 2,000 persons. Sakic was extradited to the country in June from Argentina.

#### ***b. Disappearance***

There were no reports of politically motivated disappearances.

As of November, government figures showed that 1,824 persons still were missing in cases unresolved from the 1991-92 military conflicts. However, this number does not reflect another 800 to 900 Croatian Serbs also listed as missing. While the dialog continued with the Federal Republic of Yugoslavia (FRY) Commission on Missing Persons, results were few and the cases remained outstanding at year's end. With the resumption of government authority over the former UNTAES region on January 15, significant progress was made on the exhumation and identification of bodies in the Danubian region. In the city of Vukovar, some 938 bodies ranging in age from 6 months to 104 years were exhumed from the new cemetery alone, of whom 133 thus far were on the list of the missing. An estimated 1,200 persons were buried at the site. Exhumations also took place in other parts of the Danubian region, including Beli Manistir, Tenja, Lovas, Dalj, Celije, Djeletovci, Ilaca, Tovarnik, and Hrvatska Kostajnica in central Croatia.

### ***c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment***

The Constitution prohibits torture or cruel or degrading punishment; however, there were occasional credible reports that police beat persons and that these cases were not always investigated properly. For example, a Serb convicted of war crimes in April alleged that he was beaten and tortured while in custody in 1997. Despite the repeated urgings of the defense counsel and international human rights organizations, no investigation of those allegations had yet taken place at year's end.

Prison conditions meet minimum international standards. Jails are crowded, but not excessively so, and family visits and access to counsel are generally available, albeit not consistently at all phases of the criminal proceedings (see Section 1.d.).

The Government permits prison visits by human rights monitors.

### ***d. Arbitrary Arrest, Detention, or Exile***

The Constitution contains provisions to protect the legal rights of all accused persons, but the Government does not always respect these rights in practice. The Government's application of a general amnesty for rebel Serbs in 1996 remained highly problematic, and the issuance in the spring of a list of 13,575 persons to whom amnesty had been granted by the Osijek County Court further clouded the issue. This list, combined with official statements that there would be no new arrests other than those 25 persons convicted in absentia for war crimes, led to confusion and uncertainty since arrests of Serb refugees who did not appear on the list of 25 continued sporadically throughout the year. This largely undermined any positive effects that the amnesty had generated. Credible evidence emerged that the Government reworded charges for amnestiable offenses in order to uphold prosecutions as either common crimes or war crimes. For example, in one case in Split, the U.N. Center for Human Rights noted that charges had been revised three times in order to keep one defendant in custody.

Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may carry out arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. Such cases are not uncommon. The police then have 24 hours in which to justify their decision before the local investigative

magistrate. However, inspectors working under the auspices of the Ministry of Finance (the so-called "financial police") do not require a warrant in order to enter premises and examine records, actions which can lead to the unilateral shutdown of the organization in question in advance of any due process (see Section 2.a.). For example, one nongovernmental organization (NGO) in the Danubian region was given 3 days to shut its doors in July after the financial police determined that it had exceeded its authority in approving small business loans. However, the order was not carried out after international intervention on behalf of the NGO.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the investigative magistrate appoints counsel from a list of public defenders. The investigative magistrate must, within 48 hours of the arrest, decide whether sufficient cause exists to hold a person in custody pending further investigation. Investigative detention usually lasts from a few days to few weeks, but the Supreme Court may extend the deadline (for a total period of not more than 6 months) in exceptional cases. Once the investigation is complete, detainees are released on their own recognizance pending trial, unless the crime is a serious offense, the accused are considered a public danger, or the court believes that they may flee.

However, persons held under investigation often were denied the right to have an attorney present during all parts of the investigative stage or appeal of investigative detention. In practice detainees almost always are bound over for investigation unless it is clear that no case exists against them, and there have been several cases of lengthy pretrial detention, including individuals who are awaiting appeal of their acquittal by the state prosecutor. While there are provisions for posting bail after charges are brought, the practice is not common. The International Committee of the Red Cross estimated that approximately 70 ethnic Serbs were still in detention for acts related to the conflicts in 1995.

Full control of the police in Eastern Slavonia reverted to the Government after the UNTAES mission departed on January 15. The United Nations maintained 180 international police monitors in the region to assess activities of the local police until October 15, when that function was assumed by the Organization for Security and Cooperation in Europe (OSCE). While there were isolated incidents of behavior in favor of returning Croat displaced persons, the U.N. Police Support Group (UNPSG) and the OSCE Police Monitoring Group (after October 15) reported that police behavior was adequate overall.

The Constitution prohibits the exile of citizens. In a positive step, the Government in May established procedures by which Croatian Serb refugees who had fled the country in 1995 might regulate their citizenship status and return to Croatia. This provided a possible end to years of effective exile for some 200,000 Croatian citizens living abroad as refugees. Implementation of these procedures was initially slow, but gained momentum as the year progressed, with over 3,000 persons in Serbia-Montenegro receiving confirmation of citizenship by September and another 700 in Bosnia and Herzegovina.

#### ***e. Denial of Fair Public Trial***

Government influence seriously weakens the nominally independent judiciary. In practice both bureaucratic inefficiency and political influence mar the system. The court system has a backlog of over 1 million cases.

The judicial system consists of municipal and district courts, a Constitutional Court (which both determines the constitutionality of laws and governmental acts and serves as the court of final appeal for individual cases), a Supreme Court, and an Administrative Court. A parallel commercial court system handles all commercial and contractual disputes. The State Judicial Council (consisting of a president and 14 members) is a body independent from both the judiciary and the Ministry of Justice charged with both the appointment and discipline, including removal, of judges, court presidents, and public prosecutors. The upper house of Parliament nominates persons for membership on the Council, and the lower house elects the members for 8-year terms. The 11 judges of the Constitutional Court are elected for 8-year terms in the same manner, while all other judges are appointed for life.

Under legislation adopted in 1993, the State Judicial Council (SJC) concluded its review of judicial appointments early in the year. While judges are prohibited by the Constitution from being members of any political party, critics charge that the Council (whose members are appointed by the HDZ-dominated Parliament) is a political tool of the executive branch. Some judges not reappointed after the Council's review maintained that this was due more to their independent views or ethnicity than their qualifications. While the Council is authorized to act independently in the appointment and review of judges, it occasionally has defied Constitutional Court rulings. For example, the Council refused to acknowledge a Constitutional Court decision in late 1997 that maintained that it had exceeded its authority in declining to process all applicants for open judicial appointments. The Council claimed that the Court did not have jurisdiction, despite the Constitutional Court's basis in law as the arbiter in jurisdictional disputes between the branches of government and its obligation to ensure that the constitutional rights of citizens are protected. The issue remained unresolved at year's end. The 1997 dismissal of the former head of the Supreme Court, Krunislav Olujic, for (among other charges) impugning the honor and dignity of the Court, was overturned by the Constitutional Court in April for unconstitutional procedural violations. However, in October the SJC upheld his ensuing dismissal as the head of the Supreme Court.

Low pay for judges, combined with cumbersome and opaque selection procedures by the State Judicial Council, and its apparent reluctance to process all applicants for open positions, left the courts with at least a 30 percent shortage in the number of judges. The judicial system also suffers from a massive case backlog. Cases involving average citizens drag on for years, while criminal libel suits or other cases affecting high-level government officials are heard within weeks under "urgent proceedings" (see Section 2.a).

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, the courts sometimes deny citizens fair trials. Local authorities often refused to implement court decisions. For example, little or no progress was made in the numerous cases of illegal evictions where the legal owner had a positive court decision, yet was unable to gain access to his property (see Section 1.f.). Many of these cases involve either current or former members of the Croatian military or police forces, and local authorities refuse to act against them on behalf of the rightful occupant. The only recourse for

the defendant is to return to court to demand implementation of the first decision, a time-consuming and costly procedure that still may not result in implementation. Meanwhile, in a clear double standard, after the departure of the UNTAES mission in January, the OSCE reported that the courts governing the affected region were flooded with cases in which the original owner (an ethnic Croat) sought and received a court order installing a lien on the property of the ethnic Serb occupying the Croat's home in the Danubian region. Cases in the region in which the plaintiff is an ethnic Croat are heard and decided in a matter of days or weeks; however, cases in which the plaintiff is an ethnic Serb often drag on for months or years.

One NGO in Eastern Slavonia cited the total absence of any administrative court decisions in more than 1,000 appeals of denied citizenship. Of the 200 cases that were resolved positively during the year, all were administrative reversals of the original decision by the Ministry rather than action on the appeals filed in the court. In the remaining 800 appeals, many of which date back more than a year, the court remained silent. The NGO noted that the court's failure to act called into question "the existence of any meaningful judicial remedy for legal errors committed by administrative bodies."

In another significant example, the Constitutional Court in May ruled that several sections of the existing pension law were unconstitutional and should be abolished. It further required that pensioners be compensated retroactively for their lost income. However, changes to the legislation only occurred after a sustained attack on the Court in the press and calls by senior government officials to curb its powers. Nor did the Government respond to statements by the President of the Supreme Court that neither the Supreme Court nor any courts under its jurisdiction were obligated to respect decisions by the Constitutional Court, calling into question the Government's willingness to defend constitutional provisions regarding the judiciary.

The Government continued to apply questionable legal standards in the implementation of the general amnesty adopted in 1996. There was credible evidence that crimes for which persons should have received amnesty were recategorized as either common crimes or war crimes. International monitors, including the U.N. Center for Human Rights, cited several prominent cases in which the evidence presented should not have led to any conviction, let alone one for a war crime. The appeal of Milos Horvat (sentenced to 5 years' imprisonment for genocide in 1997 based on what international monitors described as questionable standards of evidence) was heard by the Supreme Court in December, 18 months after it was initially filed. No decision was handed down by year's end. Prisoners in Split went on a hunger strike in the spring to protest the court's inaction in processing their appeals and, in several cases, the initial hearing of their cases.

There were no reports of political prisoners.

#### ***f. Arbitrary Interference with Privacy, Family, Home, or Correspondence***

At times the Government infringed on these rights. The Constitution declares the home inviolable. Only a court may issue a search warrant, which must state the justification for the search. Police may enter a home without a warrant or the owner's consent only if necessary to

enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or property. While the authorities generally complied with these norms, there were notable exceptions in which the Government and, in particular, the military did not respect private property in practice. Despite developing a mechanism by which property could, in theory, be restored to the original owner, the Government failed to implement this program vigorously. Further, there are no provisions for those individuals, primarily citizens of Serb ethnicity, who lost tenancy rights to their dwellings during the war, to return to their previous homes.

In the second half of the year, the Ministry of Interior acknowledged accusations that the Agency to Protect Constitutional Order (SZUP) had been tapping the telephones of some independent journalists (among others), but denied that there was any impropriety in either its actions or motivations, which the Ministry claimed were justified under the Constitution (see Section 2.a.).

Despite the October 1997 ruling by the Constitutional Court that several elements of the Law on the Temporary Takeover of Specified Property (LTTP) were unconstitutional, the vast majority of Serb property owners displaced by that legislation in favor of ethnic Croat refugees remained unable to access their property. In June the Government adopted a program for return, which included mechanisms for property restitution. However, the establishment of these mechanisms was slow. Throughout the remainder of the year, only a small number of cases of property restitution was recorded as both central and local authorities declined to take steps to displace temporary occupants in favor of the original owners, as stipulated in the return program. Despite exhortations from the central Government, many local authorities did not take steps to regulate permits authorizing or revoking occupancy rights or to initiate lawsuits against individuals who refused to vacate occupied premises, a situation that remained largely unchanged throughout the year. Numerous returning ethnic Serb displaced persons and refugees continued to remain shut out of their homes, although in many cases the Croat's house had been reconstructed and there was no impediment to his return. In general in such cases, the Government failed to furnish reconstructed houses with basic utilities. For example, local officials in Topusko estimate that some 400 houses belonging to ethnic Croats have been reconstructed, yet the Croats continue to occupy the homes of ethnic Serbs, thus blocking the Serbs' return.

Housing commissions in the Danubian region in contrast were established quickly and proceeded to issue eviction notices to occupants, primarily ethnic Serbs. Throughout the year, the UNPSG, the OSCE, and numerous local human rights organizations reported forcible evictions of ethnic Serbs on an almost weekly basis. Police response was mixed, due in part to conflicting instructions from higher authorities. Despite direct intervention by senior government officials to halt the evictions and clarify police instructions early in the year, homeowners were allowed to harass occupants until they were, in effect, forced to leave. In many cases, the actions of local officials in the Danubian region called into question their impartiality in making public statements or, as occurred in Ilok, in arriving at the property in question with the Croat homeowner. While estimates vary widely, responsible international estimates claim that some 20,000 ethnic Serbs left the region since the end of the UNTAES mandate (generally for the FRY), with some 3 to 5 families departing every day. In addition to the serious underlying economic and social situation, many left in the face of intense pressure and blatant discrimination.



No progress was made to resolve the thousands of cases of Croatian citizens, for the most part ethnic Serbs who, due to their absence of more than 6 months during the war, lost tenancy rights. Ethnic Serbs were disproportionately affected because no mechanism existed by which they could return to Croatia in order to claim their property or because they had lived in the occupied parts of the country and missed the chance to purchase their previous apartments.

The Ministry of Defense also continued to pursue numerous, arbitrary revocations of tenancy rights involving individuals who had lived in their apartments for decades. The authorities justified their actions either by the 6-month absence provision, or if the primary tenant was ruled to have "acted against the interests of the Republic of Croatia." Membership in the Yugoslav Army at any time by the primary tenant was deemed sufficient by the Ministry of Interior to brand that individual as an "enemy of the state." Surviving family members' rights to maintain tenancy of the property of a deceased or divorced spouse often were denied, even though that right is provided for specifically under the law. Although courts often declared such evictions illegal (after lengthy legal proceedings--see Section 1.e.), the occupier seldom was removed from the premises. The case in Split of Hasim Begovic still remains unresolved, despite a total of eight unsuccessful eviction attempts to date.

In February and March, numerous incidents of arson were reported in the Banovina region. While police determined that these fires were, for the most part, inadvertent incidents resulting from careless field clearing, international and local NGO's pointed out that the dozens of destroyed homes belonged almost exclusively to ethnic Serbs and seriously questioned the thoroughness and impartiality of the police investigations. The summer months saw a rise in the number of violent incidents overall, particularly in the Danubian region and in former Sector South. The use of explosives and booby traps caused property damage and instilled fear (see Section 1.f.). For example, in Benkovac several houses belonging to ethnic Serbs were destroyed over the summer. In the Danubian region, the majority of the reported incidents were related to disputes over housing.

The Constitution provides for the secrecy and safety of personal data, and this provision generally was respected. However, there was very credible evidence that requests made by ethnic Serbs to return to their original homes in the formerly occupied areas were used by individuals to vandalize or in some cases destroy the property in order to prevent the Serb from returning. Reports also persisted, although fewer in number than in 1997, that local housing commissions allowed authorizations for temporary accommodation to be transferred among temporary users, thus keeping a residence occupied even after the original owner's intention to return was known.

## **Section 2 Respect for Civil Liberties, Including:**

### ***a. Freedom of Speech and Press***

The Constitution provides for freedom of thought and expression, specifically including freedom of the press and other media, speech, and public expression, as well as the free establishment of institutions and public communication; however, the Government controls or influences much of the print media, controls most of the electronic media (in particular,

television), and influences and manipulates the judiciary. All this, combined with the Government's continued harassment--through job loss or banishment from the airwaves, overt censorship, intimidation, and criminal prosecution--of those journalists who criticize the ruling party, stifles many of these freedoms in practice. The Government maintained an unofficial campaign of harassment of the independent media throughout the year, and some 300 criminal and 600 civil prosecutions of journalists are ongoing, most brought by government officials or their close relatives or associates. The law gives the public prosecutor the right to appeal an acquittal, thereby potentially exposing journalists to double jeopardy. During the second half of the year, the Ministry of Interior acknowledged accusations that the Agency to Protect the Constitutional Order was tapping the telephones of some independent journalists (among others) but denied that there was any impropriety in either its actions or motivations, which the Ministry claimed were justified under the Constitution (see Section 1.f.).

Despite continued domestic and international protest, the Government took no steps to revise articles of the Penal Code that authorize the criminal prosecution of journalists who publish "state secrets" or insult the honor or dignity of the President, the Prime Minister, the Speaker of Parliament, or the Chief justices of either the Supreme Court or the Constitutional Court. In April the former editor in chief of Globus, Davor Butkovic, was acquitted of criminal liability in a suit brought by 23 ministers, including the Prime Minister, for citing in an article a report by a foreign company that alleged corruption in the Cabinet. The state prosecutor appealed the acquittal, as he has in the ongoing criminal liability case against the Feral Tribune for slandering the honor of the President. Further, under the law the publisher of the offending article may be subject to a separate civil suit for causing mental anguish.

Individuals may criticize the Government, although not always without reprisal. Lawsuits brought against a leading human rights activist and a prominent politician in 1997 for the "dissemination of false information with the intent to incite public instability" remained unresolved. In bringing these suits, the public prosecutor failed to acknowledge that these individuals (and others) made similar statements in previous years with no ensuing public disorder.

The Government (through the privatization board) and, in particular, businessmen with close ties to the HDZ enjoy a virtual monopoly on printing and distributing newspapers and magazines. Fees of 20 percent of gross sales (payable in advance), combined with slow payment (or nonpayment) of proceeds from the distributor to the publication and prompt payment requirements for the printer, have caused acute cash flow problems for many independent publications. The slow pace of the judicial process (see Section 1.e.), makes it extremely difficult for these publications to seek timely redress of their payment difficulties in the courts. Journals and publications also complained that they had little control over where their publications were sent, with large quantities at times being sent to remote villages, leaving the bigger, urban markets undersupplied.

The ruling party's control of the electronic media is pervasive. The majority party in the Sabor (currently the HDZ) controls 5 of the 9 seats on the Telecommunications Council, the government body that allocates or revokes private radio and television concessions. Concession fees are inordinately high, but are not paid by Croatian State Radio and Television

(HRT). Decisions by the Council are arbitrary, lack transparency, and are generally biased in favor of proprietors backed by the HDZ. For example, in Rijeka the opposition party mayor and his backers were unable to get a concession for a local television station because the only frequency the Council was prepared to issue in that area belonged to another "station"--one that had never broadcast in the 2 years that it held the concession--in direct violation of the law, which mandates broadcasting within 2 years of frequency issuance. However, the stalemate finally ended when a frequency was awarded in October.

The HRT is the only national network in the country and is the main source of news for approximately 90 percent of the population. It broadcasts on three national television and radio channels. Technically under the control of Parliament, the HRT is, in practice, run by the ruling HDZ Party; its director is a prominent member of the Party. The Government controls the state network through the HRT Council which, like the Telecommunications Council, also is dominated by the HDZ. The HRT Council directly supervises operations and editorial content of state-run radio and television, effectively restricting access by opposition parties to criticize government policies and consistently preventing even the semblance of impartial reporting during election campaigns (see Section 3). A new law on the HRT was adopted by Parliament in October, which reduced the number of Members of Parliament (M.P.'s) on the HRT Council from 14 of 18 to 10 of 23. However, this minor modification did virtually nothing to address the fundamental problem of government control over the state television network because Parliament retained the ability to nominate and confirm all other appointments to the Council.

Both public and private radio and television stations coexist, although independent broadcasters are forbidden by law from either broadcasting nationally or from "networking" to achieve national coverage. Revenue collection is also greatly skewed in favor of the HRT, which receives subsidies from government taxes on television (accounting for some two-thirds of the HRT's gross annual revenues), as well as some 80 percent of advertising revenue. These subsidies create an unfair advantage for the HRT over any independent television station that tries to compete, as the independents' ability to purchase programming, etc., is far less than that of the HRT. Similar problems exist in radio broadcasting. The enforcement arm of the Ministry of Finance, the financial police, often is used by the Telecommunications Council to shut down stations deemed too critical of the Government. The financial police may enter any premises without a warrant and, at any time, demand access to an organization's financial records (see Section 1.d.). The punishments meted out by the financial police and the Telecommunications Council often far exceed the seriousness of the infraction. For example, TV Moslavina, known for its "provocative" news stories, was shut down in May when it moved to a new location and failed to renew its license with its updated address. Government influence over the court system exacerbates these problems. Journalists who sought reform of the HRT from within routinely were silenced and in many cases taken off the air while still on the HRT payroll. In July a new director of HRT was appointed who reinstated several of these journalists in November. However, censorship of their new program "One Plus One" commenced almost immediately. In December the HRT director cut a scheduled segment on an opinion poll that was unflattering to the ruling party on the grounds that airing the poll "could create precedents which HRT, as the most influential media outlet...cannot afford."

Foreign newspapers and journals were available in larger urban areas throughout the country, although cost makes them prohibitively expensive for most persons.

While academic freedom generally is respected, scholars reported that they were reluctant to speak out on political issues. Some scientists believe that the Government exerted subtle pressure on them through its control of research funds.

### ***b. Freedom of Peaceful Assembly and Association***

The Constitution provides for the right of peaceful assembly; however, the Government at times exercised arbitrary control to restrict this right during the year and adopted measures that temporarily restricted the right of peaceful public assembly in the former UNTAES region.

Numerous rallies and demonstrations took place throughout the country during the year, many of which were led by workers protesting poor social conditions and pay. However, under legislation regulating public protests, local officials in the capital denied labor unions the right to demonstrate in the main square on two occasions in the first half of the year, once in January and again in February. On both occasions, demonstrators who decided to hold their gathering despite the Government's prohibition were met with overwhelming force. In February some 5,000 police shut down the center of the city for over 6 hours, injuring some 30 demonstrators and 6 police officers. This completely disrupted traffic, the grounds on which the Government had denied the permit in the first place (see Section 6.a.). In March the authorities banned all public demonstrations in Eastern Slavonia until August in response to an anti-Serb rally organized by the Croatian Party of Rights (HSP) in Borovo Selo.

The Constitution provides for the right of association; however, legislation adopted in 1997 increased the government's ability to restrict this right. The Law on Associations gives the government broad powers to prevent the founding of an association and to monitor all aspects of an association once founded. Further, an association's activities may be suspended administratively based on only a "well-founded" suspicion that the group's activities contravene the Constitution or law. Until such time as the association proves itself innocent in a court of law, the Government can keep it closed indefinitely and appoint someone to manage and dispose of the association's property. Many local and international NGO's find themselves in a precarious position, as the reregistration process is proceeding only slowly. According to the law, in the absence of any formal notification to the contrary, an NGO is to consider itself reregistered. However, without written confirmation of registration from the Ministry of Administration, NGO's face significant obstacles in their day-to-day functioning.

### ***c. Freedom of Religion***

The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government respects these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions. Roman Catholicism, Eastern Orthodox Christianity, and Islam are the major faiths, and a small Jewish community is active. While some organizations claimed that Orthodox priests encountered difficulties in obtaining Croatian citizenship and travel documents, there is no evidence of any specific discrimination against the Orthodox clergy beyond that faced by other ethnic Serb Croatian citizen refugees abroad (see Section 2.d.).

No formal restrictions are imposed on religious groups. Croatian Protestants from a number of denominations, as well as foreign clergy, actively practice and proselytize, as do representatives of Eastern-based religions. The Government tightened its residence permit and visa issuance policy in 1997, but this was a general policy shift and not directed at religious workers (although they were among those affected).

While the state has no official state religion, the dividing line between the Catholic Church and the state often was blurred, and the ruling party throughout the year attempted to closely identify itself with the Catholic Church. However, the Church more frequently sought an independent role for itself and was at times openly critical of the prevailing political situation. The new head of the Catholic Church, who took office in January, became more active in publicly promoting reconciliation and the return of refugees and in both January and December delivered strong messages against corruption and promoting the need for civic virtue, dialog, and mutual respect between groups.

The Government requires that religious training be provided in schools, although attendance is optional. Schools are allowed to offer classes in minority religions if they fill the necessary quota of minority students. However, the lack of resources, minority students, and qualified teachers usually impeded catechism courses in minority faiths, and the Catholic catechism was the one predominately offered. According to numerous reports, although not obligatory, students felt pressured to attend religious training.

The Government continued to discriminate against Muslims in the issuance of citizenship documents. The Ministry of Interior frequently uses Article 26 of the Law on Citizenship to deny citizenship papers to persons otherwise qualified to be citizens (see Section 5). In January Muslims, Albanians, and Slovenes also were dropped as recognized national minorities from the Constitution's preamble on the grounds that they were not indigenous groups.

#### ***d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation***

The Constitution generally provides for these rights, with certain restrictions. All persons must register their residence with the local authorities. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others."

While there are no reports that the Government revoked citizenship for political reasons, the failure to act expeditiously to verify the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military actions in 1995 remained a cause for concern in the first half of the year. However, after 3 years in which only a small fraction of these essentially stateless persons were able to gain citizenship documents, the Government in May adopted procedures by which these individuals could confirm their citizenship and, if they so desired, return to Croatia. This very positive step was undercut somewhat by the Government's initial slow and uneven implementation of these procedures. However, by October the U.N. High Commissioner for Refugees (UNHCR) reported that the pace of approvals had increased and that some 3,000 individuals had been cleared. Similarly, the Joint Working Group (JWG) established in 1997 continued to work throughout the year on returning displaced persons in

Eastern Slavonia to their homes elsewhere in Croatia but made no significant progress in resolving any of the outstanding "hard cases" (persons living in the former UNTAES region whose homes either were occupied or destroyed) remaining from the previous year. Muslims also found it difficult to confirm their citizenship. There were several notable cases during the year of deportation proceedings against male members of mixed marriages involving Muslims.

A significant number of internally displaced persons remain, although not all of these persons are under the Government's direct care. While the Government reported some 100,000 persons (74,000 internally displaced and approximately 30,000 refugees, mostly from Bosnia and Herzegovina and the FRY) with refugee or displaced person status as of December, this number does not reflect fully an additional 140,000 former refugees who have become citizens of Croatia (not always of their own free will), nor does it include thousands of ethnic Serb displaced persons in the Danubian region whom the Government does not recognize.

While estimates vary, international organizations generally agree that some 47,000 ethnic Serbs left Croatia since 1996, with some 20,000 departing in 1998 alone. While many left for economic reasons, most also reported that the level of harassment and discrimination and, most significantly, pressure put upon them by the imminent return of ethnic Croat owners of the homes to which they had been displaced in the former UNTAES region, led them to the conclusion that they had no future in Croatia. Ethnically motivated incidents included verbal and legal harassment, forcible evictions, and beatings. The UNPSG, which monitors police behavior in the region, reported an average of 54 incidents per week in May. That number jumped to nearly 70 by July, with many more incidents going unreported.

Official government policy is that all citizens are free to return to their homes of origin throughout the country. However, in practice ethnic Serbs who successfully repatriated faced open discrimination and numerous bureaucratic hurdles in order to regain their property and the financial and health benefits to which all returnees are entitled under the law. Incidents of beatings and even arson and bombing attacks against Serbs were reported, albeit less frequently than in previous years (see Sections 1.a., 1.f., and 5). Many also reported discrimination in employment, and there were persistent but isolated reports that humanitarian assistance is not distributed fairly by government agencies. The Government allows free access to all displaced persons by domestic and international humanitarian organizations and permits them to provide assistance.

At year's end, the official estimate of displaced ethnic Serbs in Eastern Slavonia was approximately 5,000 to 6,000. The Government estimated in September that at least 100,000 ethnic Croats are still displaced from their homes throughout the country, having been driven out by rebel Serbs in 1991. Government figures claiming that as many 26,000 ethnic Croats have returned to their homes in the former UNTAES region cannot be verified by international observers. The Government housed displaced Croats and refugees from Bosnia and Herzegovina in hotels along the coast and in collective centers around the country, as well as in private "abandoned" homes of ethnic Serbs who fled during the military action.

Freedom of movement was severely hampered by the occupation of homes belonging to Croatian citizens of Serb ethnicity by refugees from neighboring Bosnia and Herzegovina and the FRY, as well as "priority category" ethnic Croat citizens, i.e., active duty or former

members of the military, widows, and orphans. Ethnic Croats wishing to return to Eastern Slavonia were also unable to return to homes occupied by Serbs. Many Serb returnees were prevented from moving into looted and devastated homes that the Government defined as habitable. In all only a handful of ethnic Serb owners were able to repossess their occupied properties through the return program mechanisms during the year.

The Government cooperates with the office of the UNHCR and other humanitarian organizations assisting refugees. The Government is a party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol although it has not yet passed legislation to implement these conventions. The Office for Displaced Persons and Refugees (ODPR) reports that the Government granted first asylum to 30,000 persons from the various parts of the former Yugoslavia as of September and that it was supporting financially another 100,000 displaced persons (not counting displaced ethnic Serbs in the former UNTAES region). There were no reports of the forced return of persons to a country where they feared persecution.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Both the law and the ruling party's continued domination of Parliament seriously limit the right of citizens to change their government. All citizens over 18 years of age have the right to vote by secret ballot. The President, elected for 5 years, exercises substantial power, authority, and influence but is limited constitutionally to two terms. Parliament comprises the House of Representatives and the House of Counties. The HDZ holds a majority in both houses, and HDZ President Franjo Tudjman was reelected President in June 1997 in an election judged to be "fundamentally flawed" and "free but not fair" by the OSCE. The President's extensive powers, the HDZ's dominance, the Government's influence over the judiciary, and its control of the media combine to make the country's nominally democratic system in reality authoritarian. Opposition political parties and the press alleged that during the October 11 Dubrovnik County election, the HDZ won its only single-candidate district seat, Metkovic, through vote fraud. They report that approximately 30 busloads of Bosnian Croat voters arrived in town on election day and that a number of them were employees of the HDZ candidate's military supply company.

The Government made no progress in addressing issues raised in an OSCE election report following the 1997 presidential elections, which prompted the OSCE's judgment that the presidential elections were flawed and unfair. The Government also failed to make any progress in implementing the recommendations of any previous OSCE/COE reports documenting the flaws in the electoral system. Some flaws in the electoral legislation infringe directly on the rights of citizens to change their government. The most egregious is the method by which the Citizenship Law and electoral legislation grant citizenship, and thereby the franchise, based purely on ethnic grounds to ethnic Croats abroad with no genuine link to the country. The electoral system contains a provision allocating seats (10 percent of lower house seats) to diaspora voters, 90 percent of whom voted for the HDZ in the 1995 elections, despite criticism from the OSCE. The HDZ, maintaining its clear parliamentary majority in 1998, did not take action to reverse or amend legislation that allowed for this and other flawed practices.

On October 9 the Constitutional Court ruled to permit the monitoring of future elections by domestic nonpartisan observers. The Court ruled in favor of an appeal by the Croatian Helsinki Committee for Human Rights and the Citizens' Initiative to Monitor Elections. Both had been refused access to polling stations by the State Electoral Commission.

In addition to the liberal interpretation and implementation of laws to suit the Government's agenda, the Government used its control of the electronic media to control the political process. It failed to take any measures to address concerns noted by the OSCE in its postelection report about government and party control of the media. Senior HDZ members sit on the board of directors of the state television network, the only nationwide television station, and their influence not only restricted the ability of opposition parties to criticize government policies and activities, but limited the opposition's ability to fully engage the Government and the public in an open political dialog (see Section 2.a.). At its Fourth Party Congress in February, the HDZ elected several prominent journalists to leading party functions.

Although there are no legal restrictions on participation by women or minorities in the political process, they are represented in only small numbers in Parliament, the executive branch, and the courts. In the 195-member Parliament, 14 women hold seats.

Election law requires minority representation in Parliament, with proportional representation for any minority that makes up more than 8 percent of the population. Currently, no minority meets that criterion. However, representation for Croatia's Serb minority is based on government estimates of the number of Serbs who fled Croatia between 1991 and 1995 and the assumption that they would not return. There are still three Serb M.P.'s in the lower house; in 1997 Tudjman appointed two Serbs to the upper house as well. There were no Muslim representatives in Parliament, despite the fact that the Muslim minority is the next largest after the Serbs. Amendments to the Constitution passed by the HDZ-dominated Parliament in December 1997 were adopted in January. The amendments excluded Muslims as a recognized minority and ensured discrimination in the application of minority representational and voting rights (see Section 5).

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Human rights groups throughout the country worked to prevent human rights abuses and brought their concerns to the attention of local and national authorities, as well as to that of domestic and international media. The government-appointed Ombudsman met most frequently with human rights representatives; the response of other ministries varied. In general most groups reported that, while they may receive a response in a specific case, the Government generally failed to remedy the underlying institutional problems that were the root cause of many of the problems. For example, numerous NGO's repeatedly raised the issue of the government's failure to issue instructions to ministries and local authorities to implement the Law on Convalidation (konvalidacija) adopted in October 1997 (which would allow documents issued in the formerly occupied areas to be recognized or "convalidated" by government offices). Despite numerous promises from the central Government and a steady stream of complaints from local NGO's and international organizations, the Government failed



to address fully this issue until September, leaving thousands of citizens unable to validate pensions, register marriages, births, deaths, etc. (see Section 5).

The Government exercised its prerogative to shut down an NGO under the Law on Associations adopted in 1997 for the first time in the spring. A leading NGO promoting women's rights came under vehement attack in the progovernment press (which criticized it as an "anti-Croat organization") after its organizers criticized government policies on women's issues during a televised debate.

Under the law, it is difficult for NGO's to solicit contributions or donations to support their work. This is due in part to the fact that there is no tax benefit to the potential donor, who pays tax on the donation; the NGO also must pay tax on contributions received if it can be classified as income. Thus, many human rights groups rely solely on international donations in order to continue their work. In October the Government established an office for cooperation with NGO's to improve the legal framework for their operation. It instituted a more transparent system for financing NGO operations by undertaking a competitive tender process for their funding from the state budget. Another significant problem is the public perception of human rights organizations. Senior government officials promote the view that any criticism of the state or the ruling party is disloyal, engendering suspicion of NGO's among the general population.

International organizations, including the European Community Monitoring Mission (ECMM), the OSCE, and the UNHCR among others, operated freely in Croatia, and there were no reported instances of monitors being denied visas or the ability to move freely around the country. While international organizations reported an overall satisfactory level of cooperation with officials in Zagreb, they also identified a notable lack of follow-through on central government commitments by local authorities. For example, despite repeated assurances from senior government officials that defendants on the list of 25 individuals convicted in absentia for war crimes could await their retrial in freedom, in August police in Osijek arrested 3 persons from that list. While those arrested were released in response to international criticism, this was viewed as yet another blow to the confidence of local Serbs, who repeatedly pointed out their fear of prosecution for war crimes despite the general amnesty as one the leading constraints on refugee return (see Section 1.d.). The U.N. police Support Group (UNPSG) operated freely in the former UNTAES region until October, monitoring the performance of the multiethnic police force in the region. In October its task was transferred to the OSCE. While cooperation was satisfactory overall, there were several incidents in which local police refused international monitors' requests to review or fully investigate cases. For example, the Government refused a U.N. Civilian Police monitors' (UNCIVPOL) request to review a murder investigation of a young Serb who had been reported missing and later was found dead with gunshot and stab wounds. As with local NGO's, the Government generally failed to respond substantively to international NGO reports of human rights abuses and tended to treat any specific case brought to its attention as an isolated incident.

Although the Government in general cooperated with international monitoring organizations, throughout the spring and summer many organizations and NGO's found themselves the target of a barrage of criticism in the state-controlled press claiming (variously) that international organizations were: Pro-Serb, anti-Croat, violating Croatian sovereignty, or

planning to send Bosnian Croats abroad for resettlement. Hard-line government officials, both in Zagreb and at the local level, fueled this negative attitude toward international organizations and NGO's with unhelpful statements calling for the Government to react strongly to what was viewed as inappropriate meddling in the internal affairs of a sovereign state. The head of the Supreme Court in May issued instructions to all members of the lower courts that they were to have no contact with members of the international community. This lack of access to the judiciary, coupled with the hostility and suspicion fueled by the statements in the press, made monitoring more difficult in some areas. In Knin a local human rights worker was beaten in the early summer and there were reports that local staff at some international organizations had been threatened.

The government-appointed Ombudsman worked constructively throughout the year to address cases brought to his attention by the international NGO community and local NGO's. However, the office remained weak, due to the small size of its staff and the Ombudsman's lack of legal authority to rectify problems directly. This left the office as little more than a forum. Despite this situation, the Ombudsman continued to present reports to the Parliament on issues of concern and played a helpful role in the analysis of legislation deemed to be detrimental to human rights causes. In several cases, he lodged complaints with the Constitutional Court to have such legislation amended or abolished. The Ombudsman's office raised workers' rights cases, including the issue of unpaid salaries and wrongful dismissal (see Section 6.b.). While the Government was perhaps somewhat more responsive to the Ombudsman than to NGO's, the overall response by the Government to the underlying problems raised by the Ombudsman remained unsatisfactory.

Committees in the Parliament and in the Government are specifically tasked with human and minority rights issues. The Government committee, despite agreeing to meet with a leading human rights NGO to exchange views and information on a monthly basis, did not carry out this pledge. Neither body played an active role in promoting human rights during the year.

The Government's record of cooperation with the ICTY was poor during the year, despite the voluntary surrender of 10 Bosnian Croats in 1997. The Government also vigorously pursued through the courts its efforts to avoid compliance with ICTY requests for information that would assist in the prosecution of ethnic Croats; nor did it provide any significant information on events that occurred in Croatia during the military operations "Flash" and "Storm" in 1995, denying the Tribunal's authority to investigate these events. In several cases the Government failed to take adequate steps to protect witnesses (especially ethnic Croats) of interest to the Tribunal, several of whom found themselves harassed by local inhabitants and even officials and in one case the subject of a bombing attack. At least four such individuals are known to have fled the country.

## **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution specifies that citizens shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. It adds that members of all national groups and minorities shall have equal rights. While the majority of these rights are observed in

practice, serious deficiencies continued with regard to equality among various national/racial/ethnic groups. Early in the year, the Government deleted Muslims, Albanians, and Slovenes from the list of minority groups recognized by the Constitution, which raised the prospect of the institutionalization of some of these problems. The Constitution provides for special "wartime measures" in case of need, but states that restrictions shall be appropriate to the nature of the danger and may not result in the inequality of citizenship with respect to race, color, sex, language, religion, or national or social origin.

### **Women**

Although the Government collects only limited statistics on the problem, informed observers believe that violence against women, including spousal abuse, is common. One women's NGO cited police statistics to the effect that violent incidents against women rose more than 11 percent in 1997 and noted that this trend had not changed in 1998. Alcohol abuse is cited commonly as a contributing factor.

A leading NGO promoting women's rights came under attack in the progovernment press (which criticized it as an "anti-Croat organization") after its organizers criticized government policies on women's issues during a televised debate (see Section 4).

In another negative development, amendments to the Penal Code went into effect on January 1 that removed violence perpetrated within the family (except against children) from the categories of crimes to be prosecuted automatically by the state attorney. The victim now must file the request, thereby severely curtailing efforts by health care workers and police to act on suspected cases of violence in the home. However, positive changes also occurred in that spousal rape now is acknowledged in the law as a crime. The law does not specifically prohibit sexual harassment.

The law does not discriminate by gender. However, in practice women generally hold lower paying positions in the work force. However, considerable anecdotal evidence suggests that women hold by far the preponderance of low-level clerical and shopkeeping positions, as well as primary and secondary school teaching jobs. Women are often among the first to be fired or laid off.

While there is no national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities. One of the most active was B.a.B.e. ("Be Active, Be Emancipated"). This group held public discussions with political party representatives, in which it debated controversial topics of interest to women.

In 1997 the Government adopted a policy for equality promotion that outlined an ambitious program aimed at improving the status of women in all spheres of society. Government statistics show that, while women constitute roughly 50 percent of the work force, they occupy few jobs at senior levels, even in areas such as education and administration where they are a clear majority of the workers. The Government sponsored conferences and information campaigns throughout the year to raise public awareness of women's issues.

### **Children**

The Government is strongly committed to the welfare of children. Education is mandatory through age 14. Schools provide free meals for children, daycare facilities are available in most communities even for infants, medical care for children is free, and the Labor Code authorizes a full year of maternity leave and 3 years' leave for women with twins or more than two children.

The majority of students continue their education to the age of 18, with Roma being the only group reporting any notable exclusion. The Government blamed the problems of Roma largely on linguistic and cultural differences that make their integration in schools difficult. Romani children face some discrimination and problems, due largely to these cultural and linguistic barriers at school. The Government's commitments to children suffered from less funding than in the past, as priorities such as reconstruction and economic development took a larger portion of government resources.

There is no societal pattern of abuse of children. While comprehensive data are difficult to find, the State Institute for Statistics and Social Welfare Services noted a decline in the volume of reported child abuse during the year.

### ***People With Disabilities***

No legislation mandates access to buildings or government services for people with disabilities, and access to such facilities is often difficult. While people with disabilities face no openly discriminatory measures, job opportunities generally are limited. Special education also is limited and poorly funded.

### ***Religious Minorities***

Religion as a reflection of ethnicity was frequently used to identify non-Croats and as another way of singling them out for discriminatory practices. This close identification of religion with ethnicity caused religious institutions to be targets of violence. In Beli Manastir, an Orthodox cross was the target of a bomb in early July, and churches of both Catholic and Orthodox denominations came under attack by vandals in the Danubian region. A leading human rights organization also documented incidents throughout the country of the damage and defacement of Serbian Orthodox tombstones and graveyards but in much smaller numbers than in previous years.

### ***National/Racial/Ethnic Minorities***

Constitutionally, ethnic minorities enjoy the same protection as other self-identified ethnic and religious groups. However, in practice a pattern of often open and severe discrimination continues against ethnic Serbs and, at times, other minorities in a wide number of areas, including the administration of justice, employment, housing, and freedom of movement. The Government often maintained a double standard of treatment based on ethnicity. Members of minority groups in principle have equal constitutional protections with Croat citizens, and their ethnic rights are provided for in the preamble to the Constitution. However, the Government's definition of what constitutes a minority group is discriminatory. Early in the year, the Parliament decided to omit Muslims, Albanians, and Slovenes from those minorities listed in

the Constitution on the grounds that they are not considered indigenous groups. Muslims are currently the second largest minority group in the country after Serbs, and their elimination from the Constitution effectively denies them rights stipulated in the (albeit partially suspended) Constitutional Law on the Rights of Ethnic and National Communities or Minorities. In a potentially positive step in January, a Council on National Minorities was established as an independent body for the expression of minorities' views on government proposals and recommendations concerning minority issues. However, the Council was not active in practice.

The Constitution provides the legal basis and rights for education in the languages of national minorities and communities. The well-documented pattern of the discriminatory application of laws and administrative regulations was also evident in education. For example, in textbooks the history of the former Yugoslavia was omitted in favor of a more nationalistic Croat interpretation, and new textbooks tend to use derogatory adjectives in reference to minorities. In addition, apart from the Danubian region, there are still very few classes for Serb pupils that follow the approved Serbian school program. Serb students countrywide continued to use materials and follow the curriculum of the Croat students, and the provision of Serb language textbooks in the Danubian region, previously agreed to by the Ministry of Education, remained problematical throughout the year. In the fall, Croatian returnee parents in Beli Manastir pulled their children out of school and succeeded in forcing the dismissal of several ethnic Serb teachers.

The Law on Citizenship distinguishes between those who have a claim to Croatian ethnicity and those who do not. The "Croatian people" are eligible to become citizens of Croatia, even if they were not citizens of the former Socialist Republic of Croatia, as long as they submit a written statement that they consider themselves Croatian citizens. Others must satisfy more stringent requirements through naturalization in order to obtain citizenship, even if they were previously lawful residents of Croatia as citizens of the former Yugoslavia (see Section 1.d.). This double standard in granting citizenship led to discrimination in other areas, in particular the right to vote (see Section 3). While an application is pending, the applicant is denied rights such as social allowances, including medical care, pensions, free education, and employment in the civil service. Denials were frequently based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a permanent residence on the territory of Croatia for the 5 years preceding the application for citizenship). The citizenship status of many Muslims in the area around Slunj continues to be unresolved, with several hundred cases still in the courts, and in some cases entire villages remain stateless.

To obtain citizenship by naturalization, Serbs and other minorities must deal with economic as well as administrative disparities. The Law on Administrative Fees specifies different treatment, based on national origin, for persons who receive citizenship by naturalization, i.e., citizens who are members of the Croatian nation are exempt from the tax, whereas citizens who are non-Croats must pay the tax, approximately \$250 (1,500 kuna). Minorities also suffer other types of economic discrimination. Unemployment among Serbs continues to be significantly higher than the national average, and a disproportionate number of layoffs and firings involve ethnic Serbs (see Section 6.b.). The Slavenska Banka discriminated against

Serbs. The state-controlled bank, under the direction of former Osijek-Baranja county governor Branimir Glavas, pursued aggressively the prewar debts of Serbs and put liens on their property for nonpayment. Interest and penalties often exceeded the amount of the original loans. More than 200 Serbs (but no Croats) complained to the OSCE about the bank's practices.

Committees established in 1997 to promote reconciliation between Croats and Serbs failed to initiate and carry out concrete programs that would contribute significantly to the peaceful reintegration of populations. Throughout the year, a rightwing political party, the Croatian Party of Rights (HSP), mounted an aggressive campaign to mobilize public opinion against the return of Serbs. In February this party held a rally in Beli Manastir that incited anti-Serb violence and caused general chaos in the surrounding area. The police response to this very public incident was swift, and 40 arrests were made for disturbing the peace.

Property destruction and other forms of harassment usually arose from disputes between home occupiers of one ethnicity and returning homeowners of another. Ethnically motivated incidents included verbal and legal harassment, forcible evictions, and beatings (see Section 2.d.). Reports of arson increased significantly in former Sector North early in the year, and the summer months saw a rise in the number of incidents in the formerly occupied areas overall, albeit at a lower level than in previous years. For example, during the summer, houses belonging to ethnic Serbs were destroyed in Benkovac. In another example in Western Slavonia in June, two grenades were thrown into the yard of returnees in a village near Okucani. The bombings were preceded by weeks of verbal abuse by Bosnian Croat neighbors and a fairly serious physical assault. The police made no arrests in these cases, leading to a perception in these areas that local officials have stopped responding to claims made by Serbs and, in some areas, tacitly condone such behavior. According to the OSCE monitoring mission, reports of the harassment of ethnic Serbs in Eastern Slavonia continue to be numerous and incidents have become increasingly violent (although mostly aimed at intimidation rather than injury). In the fall, incidents of grenade-throwing occurred several times per month. In cases throughout the country, regardless of ethnicity, incidents of looting by the person occupying a home upon his or her departure were common.

While there was an overall decrease in physical assaults countrywide, harassment in the form of intimidation and forced evictions increased sharply in the Danubian region. The UNPSG and the OSCE reported that police in the region responded to complaints made by Serbs, but those responses were often inadequate due to conflicting government instructions on how to handle disputes over housing. The bias of some local government officials and the inability of police to rectify the problems underlying the constant harassment left many incidents unreported, as Serbs simply chose to relocate abroad.

Despite the adoption in October 1997 of legislation that would allow the recognition of legal and administrative documents issued by the rebel Serb para-state, this legislation was not put into practice because several ministries failed to adopt implementing instructions. For example, the Ministry of Labor and Social Welfare (the ministry governing pensions and other social benefits) adopted regulations only in September, despite the legal deadline of April 1999 for the convalidation of all documents. Without the convalidation conferred by the law, citizens (almost exclusively ethnic Serbs) were unable to resolve a wide range of problems including

pensions, disability insurance, unemployment benefits, the recognition of births, deaths, and marriages, and even confirmation of time served in prison. This made resumption of a normal life almost impossible for this group (see Section 4). Serb property owners displaced by the law on the temporary takeover of specified property in favor of ethnic Croat refugees remained unable to access their property for much of the year. By year's end, despite the adoption in July of the program for return, which included multiethnic bodies to implement property restitution, a lack of alternative housing in many areas and political will to evict ethnic Croat refugees in favor of Serb owners resulted in only a handful of successfully restored properties outside of Eastern Slavonia (see Section 1.f.). However, Croat homeowners in the former UNTAES region had much less difficulty in achieving repossession of their property, since international monitors reported that most housing commissions in the region were active in revoking temporary occupancy, immediately issuing eviction orders, and offering the Serb displaced persons accommodation in collective centers.

The situation of other minority groups--Slovaks, Czechs, Italians and Hungarians--did not reflect significant discrimination to the same extent as that of the Serb community. Roma continued to face societal discrimination and official inaction when complaints were filed. However, public awareness of the difficulties that Roma face in society was raised by several public forums, including roundtable and panel discussions with government and civic leaders.

## **Section 6 Worker Rights**

### ***a. The Right of Association***

All workers are entitled to form or join unions of their own choosing without prior authorization. There is an increasingly active labor movement with three major and three minor national labor federations and independent associations of both blue- and white-collar members. Approximately 70 percent of workers are members of unions of one type or another. In general unions are independent of the government and political parties.

The law prohibits retaliation against strikers participating in legal strikes. However, this came into question during a 1-day teachers' strike in May, when the Minister of Education ordered principals to get signed statements from all teachers indicating whether or not they were union members. However, the order was withdrawn in the face of union protests. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. Most importantly, the Supreme Court ruled that workers may not strike for nonpayment of wages, an increasingly serious problem that affects over 100,000 workers. The only recourse in the event of nonpayment is to go to court--a process that may take several years.

When negotiating a new contract, workers are required to go through mediation before they can strike. Labor and management choose the mediator together. If they cannot agree, the Labor Law calls for a tripartite commission of labor, business, and government representatives to appoint one. However, nearly 3 years after this law became effective, the tripartite commission had not established the required list of mediators, and union requests for their appointment went unanswered. Arbitration is never mandatory but can be used only if both sides agree. Only after submitting to mediation and formally filing a statement that

negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant can be dismissed, and the union held liable for damages.

The right to strike is provided for in the Constitution with these limitations and with additional limits on members of the armed forces, police, government administration, and public services. During the first half of the year, strikes occurred fairly frequently and increasingly without government sanction. Central and city authorities continued to refuse to permit demonstrations in Zagreb's main square or the square in front of Parliament. A major protest was held in late January, when between 4,000 to 5,000 members of the Autonomous Trade Union (UATUC) attempted to march on Parliament, protesting "labor and social failures" by the Government in 1997. An even larger protest occurred in February, when some 12,000 to 15,000 demonstrators converged on Zagreb's main square, also to protest poor social conditions and low wages. In both instances, police barricaded all entrances to the demonstrators' destinations (see Section 2.b.), ostensibly to maintain public order. In the February demonstration, some 5,000 police closed the city center for over 6 hours, and several policemen and demonstrators were injured in what was viewed largely as a repressive tactic to deny unionists the right to express their views.

As the unions were unable to agree in 1997 on the distribution of Communist-era union property, in January the Government confiscated it, as Parliament warned that it would. The unions appealed to the International Labor Organization (ILO); a decision is pending. The ILO ruled against the Government in the case of the railroad strike in 1997, during which the Government unilaterally declared 90 percent of all rail traffic essential, then deemed the strike illegal and dismissed workers when service fell below that level. The ILO decision stated that the Government must alter its law on railroads to establish what level of operation was "essential" in cooperation with the unions, rather than in an arbitrary determination by the Ministry of Transportation. The Supreme Court later issued a similar ruling.

Unions may affiliate freely internationally.

### ***b. The Right to Organize and Bargain Collectively***

Collective bargaining is protected by law and practiced freely. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The transition to private enterprise and a free market economy kept labor unions under pressure at the same time that they were making progress towards establishing themselves as genuine trade unions, representative of their members rather than the government. General unemployment remained the most significant hurdle, starting at approximately 16 percent for most of the year. However, in some war-affected areas the figure was as high as 80 to 90 percent. Over 100,000 workers fail to receive their salaries on time. Also, when salary payments are not made, payments into the social welfare system lag as well, thereby denying workers health coverage. In July the ILO declared these failures to provide health insurance a violation of Convention 102.



The Labor Code directly deals with antiunion discrimination issues. It expressly allows unions to challenge firings in court. However, according to persistent reports, ethnicity was used as grounds for dismissal. For example, in the Danubian region, international organizations and NGO's reported that ethnic Serbs were being offered less favorable contracts of a shorter duration than returning ethnic Croat displaced persons. Company and local officials still have not addressed firms' refusal to close or validate the work books of ethnic Serb employees who remained in the occupied areas during the war, thus disadvantaging them in pensions and health care benefits for the time in question (see Section 5). An individual's ability to rectify his grievance is severely limited by the already overburdened court system, where cases languish for months or years before they are resolved (see Section 1.d.). The Government occasionally employs coercion or other questionable methods to induce striking employees to return to work. For example, when teachers began a strike in June, the Government unilaterally pronounced the end of the school year a week early rather than meet the strikers' demands. Further, the minority of teachers who did not participate in the walkout were rewarded with the promise of a \$300 (2,000 kuna) bonus, equivalent to 3 weeks' salary.

There are no export processing zones.

### ***c. Prohibition of Forced or Compulsory Labor***

The Constitution prohibits forced or compulsory labor, and there were no documented instances of it. While legislation does not explicitly cover children, the constitutional ban provides blanket coverage in this area, and the Government enforces this prohibition effectively. The Ministry of Labor and Social Welfare is the agency charged with enforcing the ban on coerced or forced labor.

### ***d. Status of Child Labor Practices and Minimum Age for Employment***

The minimum age for the employment of children is 15 years, and it is enforced by the Ministry of Labor and Social Welfare. Under the Constitution, the provisions of which the Government enforces, children may not be employed before reaching the legally determined age, may not perform forced or bonded labor (see Section 6.c.), and are not allowed to perform work that is harmful to their health or morality. There is no known pattern of abuse of child labor. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. Education is free, universal, and mandatory up to the age of 14. Children generally finish secondary school at a minimum, and a high proportion go on to university.

### ***e. Acceptable Conditions of Work***

In March the Ministry of Labor and Social Welfare signed a collective agreement establishing a minimum wage of \$220 (1,370 kuna) per month. While the initial document was signed on behalf of only a portion of the work force, the Minister extended the agreement to cover all full-time workers nationwide. The Government Bureau of Statistics estimated that the average net monthly wage was approximately \$410 (2,626 kuna), which is not sufficient to provide a decent standard of living for a worker and family.

National regulations provide for a 42-hour workweek including a 1-hour daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers receive time-and-a-half pay for any hours worked beyond 42.

Health and safety standards are set by the government and are enforced by the Ministry of Health. In practice industries are not diligent in meeting standards for worker protection. It is common, for example, to find workers without hard hats at construction sites and equipment with safety devices removed. Workers can in theory remove themselves from hazardous conditions at work. Workers would have recourse to the courts in a situation where they felt that they had been wrongfully dismissed for doing so.